

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Willie James Crump,

Civ. No. 23-3208 (JWB/LIB)

Plaintiff,

v.

Minnesota Department of Corrections, Paul
Schnell, *Commissioner of Corrections*;
sued in their individual and official
capacities, and Tracy Beltz, *sued in their*
individual and official capacities,

**ORDER ACCEPTING
REPORT AND RECOMMENDATION
OF MAGISTRATE JUDGE**

Defendants.

Willie James Crump, pro se.

United States Magistrate Judge Leo I. Brisbois issued a Report and Recommendation (“R&R”) on May 15, 2024. (Doc. No. 18.) No objection to the R&R has been filed. The R&R is therefore reviewed for clear error. *See* Fed. R. Civ. P. 72(b); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996). Having reviewed the R&R, no clear error is found.

Instead of filing an objection, Plaintiff filed a Fourth Amended Complaint. (Doc. No. 19.) Federal Rule of Civil Procedure 15(a) only allows Plaintiff to amend his pleading once without court permission. Fed. R. Civ. P. 15(a). Plaintiff did not seek or obtain court permission to amend his pleading. Therefore, the Fourth Amended Complaint is to be stricken from the record.

Based on the R&R of the Magistrate Judge, and on all the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. The May 15, 2024 Report and Recommendation (Doc. No. 18) is **ACCEPTED**.
2. Plaintiff's Third Amended Complaint (Doc. No. 17) is **DISMISSED** as follows:
 - a. Plaintiff's claims against Defendant Minnesota Department of Corrections and Defendants Paul Schnell and Ann Blanchard, in their official capacities, are **DISMISSED WITHOUT PREJUDICE** for lack of jurisdiction.
 - b. Plaintiff's claims brought against Defendants Paul Schnell and Ann Blanchard, in their individual capacities, are **DISMISSED WITHOUT PREJUDICE** for failure to state a claim.
 - c. The Court declines to exercise supplemental jurisdiction over any state law claim and thus, Plaintiff's state-law claims are **DISMISSED WITHOUT PREJUDICE**.
3. Plaintiff's IFP Application (Doc. No. 2) is **DENIED AS MOOT**.
4. Plaintiff's Motion to Appoint Counsel (Doc. No. 13) is **DENIED AS MOOT**.
5. Plaintiff's Second Motion to Appoint Counsel (Doc. No. 16) is **DENIED AS MOOT**.

6. Plaintiff's Fourth Amended Complaint (Doc. No. 19) is **STRICKEN** because it was filed without leave from the Court.

LET JUDGMENT BE ENETERED ACCORDINGLY.

Date: August 1, 2024

s/ Jerry W. Blackwell

JERRY W. BLACKWELL

United States District Judge